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Our Case No. 9623/338

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#18

In re Application of:

Thomas A. Soulanille et al.

Serial No. 09/915,801

Filing Date: July 26, 2001

For IMPROVED SYSTEM AND
METHOD FOR INFLUENCING A
POSITION ON A SEARCH
RESULT LIST GENERATED BY A
COMPUTER NETWORK SEARCH
ENGINE



Examiner: Alaubaidi, Haythim J.

Group Art Unit No. 2171

- REQUEST FOR RECONSIDERATION -

PETITION FOR AN UNINTENTIONALLY DELAYED CLAIM FOR
PRIORITY UNDER 37 C.F.R. § 1.78

Mailstop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests reconsideration of the dismissal of Applicant's
Petition For An Unintentionally Delayed Claim For Priority Under 37 C.F.R. § 1.78 filed
July 12, 2004.

In a Decision on Petition mailed October 21, 2004, the petition under 37 C.F.R. §
1.78(a)(3) was dismissed. According to the Decision, "a *proper* amendment adding the
claim has not been filed. Rule 78 may not be used to incorporate by reference material
which was not previously incorporated by reference. In this case, the amendment [filed

July 12, 2004] seeks to incorporate by reference the contents of application no. 09/872,737."

Accordingly, at the time of filing this Request for Reconsideration, Applicants have submitted an Amendment which proposes to amend the present application by substituting the following paragraph for the paragraph beginning at page 1, line 5:

This application is a continuation of application serial number 09/872,737, filed June 1, 2001, in the name of inventor Thomas A. Soulanille, pending, which is a continuation in part of application serial number 09/322,677 filed May 28, 1999 in the names of Darren J. Davis, et al., now U.S. patent number 6,269,361.

The substance of the Petition filed July 12, 2004 is repeated below:

The application was filed on July 16, 2001 and included as the first sentence of the application a claim to priority. The claim to priority stated that the application "is a continuation in part of application serial number 09/322,677 filed May 28, 1999 in the names of Darren J. Davis, et al., now U.S. patent number 6,269,361...."

A related application, application serial number 09/872,737, was filed on June 1, 2001 in the name of inventor Thomas A. Soulanille. That related application disclosed substantially the same subject matter as the present application. Through inadvertence, the priority of the related application was not claimed at the time of filing of the present application. Accordingly, Applicant respectfully requests grant of a claim to priority of the related application.

The entire delay between the date the claim for priority of the prior related application was due under 37 C.F.R. § 1.78(a)(2) and the date the claim was filed was unintentional.

Favorable reconsideration of the Petition filed July 12, 2004, and entry of the revised claim for priority are respectfully requested.

Fee payment

A check in the amount of \$1330 for payment of the fee under 37 C.F.R. § 1.17(t) was filed with the Petition on July 12, 2004. Should this payment be insufficient or should any other fee be required, please charge such fee or credit for any excess fee paid to Deposit Account No. 23-1925.

Respectfully submitted,



John G. Rauch
Registration No. 37,218
Attorney for Applicant

November 4, 2004
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200